

DETAILED ACTION

Drawings

Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites a "pressurized, compressible fluid chamber" in line 2. It is not clear if this intended to require a pressurized chamber for containing a compressible fluid (in which case the limitation might better read - - pressurized compressible-fluid

chamber - -) or a pressurized fluid chamber that is itself compressible. The claim is accordingly deemed indefinite.

Claim 8 is deemed indefinite because it is dependent on an indefinite claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Heinz et al. (US Patent Number 6305512). Applicant's admitted prior art (see Figures 1-4 and paragraphs 22-26, 28-33, etc. of the instant application) discloses a pressure-sensitive damper, comprising: a first cylinder (206) at least partially defining a first fluid chamber (211) containing a damping fluid; a damping piston (210) supported for reciprocal motion within said first cylinder; a piston rod (205) having a first end connected to said damping piston, and a second end extending through a sealed opening in a seal head fixed to a first end of said first cylinder; a second cylinder (216) at least partially defining a second fluid chamber in selective fluid communication with said first cylinder and containing a damping fluid; a compression damping plate (228) fixed in said second cylinder; at least one passage (adjacent 229) in said compression damping plate through which said damping fluid, displaced by the entrance into said first cylinder of successive portions of

said piston rod during a compression stroke, flows in a first direction from said first fluid chamber to said second fluid chamber; a first pressure source (209) in communication with said second fluid chamber; a valve (229) which generates a resistance force to said fluid flow through said at least one passage in said first direction, wherein said resistance force varies according to an amount of force communicated to said valve by said first pressure source (the force of the pressure source would be transferred via 203 to the fluid adjacent 229) , said valve comprising a blow-off piston (the valve 229 is viewed as a blow-off piston) having a first position in engagement with said at least one passage and a second position removed from said at least one passage (a flexible washer covering passageways would operate in this manner), the damper further comprising an externally adjustable bypass circuit (222, 225, etc.) adapted to permit a flow of said damping fluid in said first direction through said compression damping plate without passing through said at least one passage, wherein said first pressure source is adjustable (at least via gas insertion or removal at 217) and comprises a pressurized compressible-fluid chamber. Applicant's admitted prior art does not disclose an intensifier piston or second pressure source. Heinz (see abstract, etc.) discloses a related damping assembly including an intensifier piston (the intensifier) acted on by a first and second pressure source and capable of transmitting an intensified pressure to a blow-off piston (the valve body), the level of the second pressure source being adjustable (at least via a change in spring rates, etc.). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include

an intensifier arrangement as taught by Heinz in the admitted prior art device because this could allow better management and adjustment of damping characteristics.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Heinz and further in view of Curnutt (US Patent Number 5190126). Applicant's admitted prior art, modified by Heinz, discloses a damper as recited in claim 7 as explained above, but does not disclose an adjustable annular chamber. Curnutt discloses a related damping device including a first pressure source comprising an annular chamber (22) with an externally-adjustable volume (see figures, which show a changeable volume, as well as the last paragraph of column 7 and the first paragraph of column 8 describing the adjustability). Accordingly, it would have been obvious to one of ordinary skill in the art to provide adjustability as taught by Curnutt in the admitted prior art device, previously modified by Heinz, because this would allow further adjustability of the dynamic characteristics of the device for a user.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes DeFrenne (US Patent Number 6286641), Yih (US Patent Number 6254067), Richardson et al. (US Patent Number 5954167), Watanabe (US Patent Number 4683992), and Supalla (US Patent Number 4153237).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP GABLER whose telephone number is (571)272-

2155. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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